

Enclose please find A copy of 9 pages of my civil complaint

- 1, copy of waiver of the service of summons.
- 1, Notice of lawsuit and request to waive service of a summons
- 2, U.S. Department of Justice Marshals Service
- 3, Application for prisoners to proceed in district court without prepaying fees or costs.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER COTTE
PLAINTIFF,

JURY TRIAL DEMANDED

V.

OFFICER LT. RANDALL, et al.,

CIVIL COMPLAINT

The eastern district court of Pennsylvania has appropriate Venue under 28 U.S.C. Section 1391 "B", "2", Because it is where the events giving rise to this action occurred.

1. Plaintiff - Christopher Cotte, "Hereinafter, Plaintiff," is and was at all times mentioned herein a Prisoner of the State of Pennsylvania in the custody of the Pa department of Corrections, And currently Confined in SCI-Phoenix, 1200 Mokychie Drive, Collegeville, Pa 19426.
2. Defendants - Correctional officers, Secretary of Pa DOC - George Little, Superintendent - J. Terra, LT. Randall, Captain - Young, C.O Gourdine, Co Parker, Co Carter, Co John Doe, Nurse John Doe, Nurse Jane Doe, All of whom are Employees assigned to Pa DOC at SCI-Phoenix, 1200 Mokychie Drive, Collegeville, Pa 19426

3. This civil Complaint filed as alleged violation of Plaintiff's 1st 8th and 14th Amendment rights to protected conduct, free from assault and retaliation for seeking redress through grievances filed and right to be free from cruel and unusual punishment and indifference to requested and necessary medical treatment Pa Doc Policies had in place at times events raised herein occurred. 42 U.S.C. Section 1983, 28 U.S.C. Section 1331 And 1343 "4", "3", "4". Plaintiff declaratory relief Pursuant to 28 U.S.C. Section 2201 and 2202 the Court has Supplemental Jurisdiction. State Claims under 28 U.S.C. Section 1307.

4. Jurisdiction and Venue this is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of state law of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343 "4", "3", and "4". Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff is claiming retaliation in violation of his First Amendment Right to the U.S. Constitution. And denial of process - due process under state law and Policy.

CLAIM 1.

George Little whose the Secretary of Pennsylvania Department of Corrections had deliberately placed me in SCI Phoenix Intensive management unit without due process while on the Restricted Release list in retaliation knowing that plaintiff is in fact suffering from numerous mental health issues, when the unit is a volunteer program that plaintiff was forced to attend with threats that he'll never be release from solitary confinement if he didn't attend. Thus violation of his 8th and 14th USA Constitutional rights, including but not limited to criminal acts of terrorist threats and harassment.

CLAIM 2.

ON August 27, 2022 Approx. 10:30 am "During lunch feeding" C.O Gourdiene came to the cell & was housed and secured in, "L-C-2012" And as he sought to provide me my lunch tray he continued his normal pattern of "taunting" and harassing me which he constantly subjected myself and others to on the unit with intent to

Intimidate and invoke fear and within moments of him being at my cell location he began to assault me and use unnecessary and excessive force on me beating my arms with a "Food Cart and "Crate" Several times Causing me to suffer cuts, bleeding, severe pain on my arms. He then used "OC" Chemical Spray on me then engaged in a Conspiracy with other staff to cover up this abuse seeking to bribe me so I would not report the incident and seek medical attention, upon refusing these efforts LT. Hall then ordered all my property to be removed from my cell in violating of DC-ADM 801 misconduct Policy, And 37 Pa Code Section 95.10 and acted outside the scope of his employment per the 801 Policy and Section 37 Pa. Code Section 93.10, "the only one who can issue a sanction is the hearing examiner after being found guilty." I was escorted to medical area on audio video recorder with several officers and LT. Hall and despite asking for treatment and defendants knowing the Policy when injuries are evident, I was denied treatment by nurses Jane Doe and John Doe leaving me in severe pain despite the cuts on my arms complained of as well as Pa Doc Policy DC-ADM 001 that mandates medical staff take four photos of each injury they observe and I report, the photos were not taken and I was returned back to the unit and placed into another cell empty of all my property for several hours and when I would not stop complaining and asking for help I was put back in L-C-2012 same day and not issued any misconduct. C.O. Gourline then conspired further to cover up his actions by writing a fabricated misconduct which was not served on me same day as 801 Policy mandates in part "D-2". Four days later I was given a copy of this misconduct and went to hearing and it was dismissed without prejudice allowing it to be rewritten which violates the 801 "D-2" timelines clause. The day it was dismissed C.O. Parker wrote the exact same report up again and served it on me, I went to hearing and examiner "Yodis" "Dwor" the report again, approx. Five days later C.O. Gourline then wrote the exact same report up again and Yodis "Dwor" it again and it was not written back up. During the next two weeks I was subjected to threats and hunger by C.O. Gourline in retaliation for seeking he be removed from unit I'm on and he would constantly threaten to assault me again and deny me my food taunting me.

CLAIM 3.

ON Sept. 27, 2022 Approx 10:10am while I was in hand cuffs and restraints bolted to a table in the day room of unit I'm housed on, L-C-. Defendant Gourline entered the unit and began harassing me seeking to provoke a response in his

Removal from being assigned to the pod I'm housed on due to his assault on me in Claim two and defendant Parker acting in concert with and for Co Gourdlie assaulted me repeatedly beating me with a night stick with my left arm and hand being injured and Subjecting me to serious injury, Despite reporting and showing defendants Young and Randall swelling and my arm was split as Photos taken showed as well they refused me medical attention despite this being recorded on a Audio/Video camera I was left in pain and with no ability to see medical as they refused to remove me from cell to go to medical room after this retaliatory and unlawful attack and use of force which was clearly excessive and cruel Approx, 11:43am Defendant Carter Subjected me to retaliation by depriving me of my right to eat lunch saying "Get Gourdlie to feed you" UNH Stationary Cameras show this was done as I was housed on this day in C-C-2006 Cell. The only authority present on this day to be able to get medical treatment were Defendants Young and Randall who chose to be indifferent to my medical needs and treatment out of retaliation and this was done in violation of my 1st and 8th amendment right as this attack on me was done for me engaging in Protected Conduct, filing grievances and Seeking redress.

CLAIM 4.

ON January 3, 2023. After Plaintiff was told by defendants Gourdlie, Parker, Carter, K. Young and Randall that he need to Cease filing complaints of abuse, including Prea complaints or he'll regret it. Plaintiff was going to the law library escorted while handcuffed with C.O Kernistaw, that out of nowhere, he was ambushed and Physically beaten by a D code mentally ill prisoner, then grabbed and Choked by friends and officers of defendant Gourdlie and then pushed and unnecessarily used force against him by defendant Parker over seen by Defendant LT. Randall. He was beaten and then dragged to his cell being denied medical treatment although he was the victim, in which once staff that ran on the scene after the ambush that obviously staff set up since there wasn't any kind of reason that this inmate was to be in contact with him since plaintiff wasn't D code, nor a DTU inmate. Staff began to approaching Plaintiff apologizing for ass aulting him but denied him of medical treatment for the extreme pain in his lower back and left shoulder. He was told to sign up for sick call. Later, Defendant CT. Randall

got on Plaintiff's Cell intercom and threaten him with more assaults if he told any one about the incident or that the inmate assaulted him. Plaintiff out of fear that he could be hurt again told defendant he ~~wasn't~~ won't say anything, since the staff didn't do a misconduct on the inmate hitman. On January 6, 2023 Plaintiff was seen at sick call by Dr. John Doe and told nurse about the attack who then reported it after witnessing Plaintiff's pain. On hearing this defendant Randall ran a verbal campaign that Plaintiff was a snitch and he would pay another prisoner to get me again. Plaintiff immediately reported this threat to defendants Capt. K. Young, Superintendent J. Terra and other staff via inmate request slip's and didn't receive no response. On October 13, 2022 while Plaintiff was getting assaulted while handcuffed by another inmate, the inmate loudly yelled "this is for Gourdine you snitch. I wrote grievance on how Co Gourdine was coming on the pod and encouraging inmates to assault me in retaliation of being removed from the pod. This assault and all the other was used as an intimidation tactic to cease filing inmate grievances against all defendants. Both ambush assaults on Plaintiff by inmate hitmen is and was captured on video footage (CCTV Recordings) in which I asked in all grievances to be preserved and review.

CLAIM 5.

On January 9, 2023. I was seen by Major F. Young about the ambush on me by the mentally ill inmate acting as a hitman for the IMU staff. And the assault that occurred after were by IMU staff. Once I informed Major F. Young of that abuse that took place upon me by LT. Randall and IMU staff and I was cleared medical after the use of force upon me pre DC-ADM 201. She informed I would see medical later that day and she's been watching the video during her investigation and charge will come. January 9, 2023, I was called out my cell CN-1008 to see medical by C.O. Matose and C.O. Kernistan to see doctor John Doe, when LT. Randall came along asking me about my earlier meeting with Major F. Young and what my sick call was about. Once inside the C-block medical area Doctor John Doe began to ask me about January 3, 2023 and the injuries that occurred. I began to explain how my left shoulder and low back been in pain since the assault by staff occurred. LT. Randall began send me

me threats of harming me and calling me rats'. Once back at my on LA-Pod cell -1008 LT. Randall told the two officers escorting me to hold me out side my cell while he went in side my cell and began to throw my belongings around and throw my foot locker out my cell with my pictures of my deceased mother and deceased grandparents and legal work in side. LT. Randall then told the two officers Matose and Kernistan to back up so he can spray me with OC white foam. Both officers complied to LT. Randall orders. LT. Randall then pointed he's OC spray showing a use of force which cause me to jerk back out of fear causing further injury to my back and I fell to the ground while cuffed. For twenty minutes as LT. Randall refuse to call medical and threaten further harm to me, LT. Randall also threatened his officers if they came to help me. At some point C-O Robinson came from CB-Pod and saw on the ground and came to help me to my feet to go to medical. I was then escorted to medical by LT. Randall, Co Matose and Kernistan with Co presscott on the hand held video camera. The whole time at medical you can see and hear LT. Randall interfering with medical nurses and doctor ~~treatment~~ treatment on me with intimidation and rehearsing of facts to sign off that I needed no medical treatment. LT. Randall was using intimidating tactics while interfering with the xray doctor asking the doctor to deny me xray and medical treatment, this was all on video and ~~an~~ audio camera that officer presscott was holding. January 9, 2023 once back on L-block LT. Randall order officers Matose, Kernistan, Prescott and Sgt. John Doe to put me in side of the strip tank for a unlawful unnecessary strip search. I was on audio video recording in the present of all officers mentioned in this complaint above the whole time while in restraints. There was no need for LT. Randall to or reason to believe I had any kind of contraband in my socks - Buttock or crotch area. This tactic to strip me out was to intimidate, humiliate all in retaliation for speaking up about the inmate hitman on the mentally ill Pod ambushed me and the officers using force and denied me medical January 8, 2023. On January 9, 2023. I was left in the L-block strip tank alone while in restraints for over twenty five minutes during which time I fell and was yelling for help for over twenty minutes. I was found and took to medical on a stretcher

with a neck brace do to my fall in side the strip tank. I was then giving xrays for my neck and shoulder (left) and sent to the out side hospital for a CT Scan. I was to medical by Nurse John Doe and Nurse Jane Doe. Since my injuries occurred from both January 3, 2023 and January 9, 2023 I've been having pain unbearable in my left side of my neck - left shoulder and lower back. I've seen by Sci Phoenix (Pa) Nurse and doctors countless times about my issues on sick call and its been a effort with the nurses and doctors to down play my injuries in a effort to cover up what happened to me.

CLAIM 6.

ON December 19, 2022 Plaintiff verbally complained to defendants Capt. K. Young, LT. Randall and Unit Manager Jaime Luvig about the unbearable extreme coldness that he was subjected to amongst all other inmates that lived on the housing pod as him and his complaints was ignored even though others complained even officers did as well because the noticable ice sickles that downed the inside of the windows and sight of are being blown out the mouth while speaking. Thus Plaintiff filed grievance and his family, friends and outside supports as well complained about the cruel punishment that plaintiff had to endure including becoming sick and had to be seen by the prison's medical staff and he had to still live under the below zero weath inside the cell where he had all his clothes on afraid to get out the bed so urinating on the floor was his only option until staff was ordered to move plaintiff to a warm pod that only housed serious mentally ill prisoners. without his cell property such as legal material, Religious material, Phone book to contact family. ON December 28, 2022 after filing numerous DC 135 a inmate's request to staff members to Deputies R. Terra, Hensley, Sipple, Wynder and defendants Captain K. Young and LT. Randall plaintiff was moved to LA pod 1008 Cell without any property or clean clothing to take. Defendants had plaintiff house on the LA pod where they promote is a DTU program for D code prisoners with a "serious mental illness. Plaintiff was subjected to stench smell, loud noise of the inmates speaking to themselves and plaintiff complained about this and the assault by one of the DTU prisoners to defendants K. Young, J. Terra, LT. Randall and Unit Manager Luvig and plaintiff was told that he's pressing his luck and he should of been left on the freezing inhumane pod to die. Thus, Plaintiff had filed a grievance about that

CLAIM 7.

ON January 11, 2023 at approx 9:15am LT-Randall entered LA-Pod 2m New housed on and for over twenty minutes or so Randomly Called my name and others and began screaming out he wants his Dick Sucked by Plaintiff and the other two prisoners. Then LT-Randall began to constantly make comments that he wants Plaintiff to suck his asshole and tongue his asshole and made these remarks over and over and said Fuck Prea suck my dick Guys. And then directed comments to officers on unit under his supervision that any such abuse they want to subject us to they are to come to him and that he will see it's done, saying "I'm a new asshole now, this is who I am".

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Plaintiff has filed and appealed to final review all the grievances related to these Seven Claims.

Plaintiff suffered and continues to suffer severe pain in both arms, permanent scars, constant visions of these attacks as well as daily fear of being attacked again as well as denial of prompt and obvious necessary medical attention.

Plaintiff seeks relief deemed just and within evolving standards. Monetary Damages against each defendant who I sue in their individual capacities in the amount of fifty thousand dollars each, including monetary damages for emotional and mental anguish in the amount of fifty thousand dollars and punitive damages in the amount of one hundred thousand dollars including attorney fees and any such relief sought and deemed just by this Court.

Wherefore, Plaintiff respectfully request this Court to order defendants be served with the complaint by the U.S. Marshals and grant relief sought via jury or mediation which the plaintiff is willing to participate in to save costs and time and any such other relief after review and screening of this action.

Date: 2/16/2023

Respectfully Submitted,
Christopher Cottle
Christopher Cottle
i.d. Klossy
SCI Phoenix

Each and every incident described within this Complaint and all material factual paragraphs happened on the same unit E.M.U at SCI Phoenix which involved all defendants listed who directed defendants to do these things, had knowledge of wrongdoing prior to and after each incident occurred as all defendants was present and continued this pattern series course of conduct in retaliation repeatedly because plaintiff filed grievances complaints about the pattern of excessive force, etc occurring on E.M.U at all dates times within involving all present defendants continuously to harass and retaliate against Plaintiff.

VERIFICATION

I Christopher Cottle on February 15, 2023 ~~best~~ verify and swear under oath that each and ever statement and facts in all paragraph within this Complaint is truth and correct to the best of my knowledge information belief and understand. I verify under penalty of perjury pursuant to 28. U.S.C. § 1746.

Date: 2/16/2023

Respectfully Submitted
Christopher Cottle
Christy Cottle
i.d. KL0854
SCI Phoenix

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